

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
CHARLOTTESVILLE DIVISION**

BABY DOE *et al.*,

Plaintiffs,

v.

MAST *et al.*,

Defendants.

Civil Action No. 3:22-cv-49

FEDERAL DEFENDANTS' MOTION TO SEAL

Nominal Defendants the United States Secretary of State Antony Blinken and United States Secretary of Defense General Lloyd Austin (“Nominal Defendants”) move the Court pursuant to Local Civil Rule 9 for leave to file an unredacted copy of their Memorandum in Support of their Motion for Protective Order [public version filed April 17, 2023 at ECF 204], as well as Exhibits A and B to that Memorandum, under seal. In support thereof, Federal Defendants state as follows:

Nominal Defendants’ Memorandum as well as Exhibit B—a letter from counsel for Nominal Defendants to counsel for Richard Mast—reference another judicial proceeding in which the Court has allowed the plaintiffs to proceed by pseudonym and has entered sealing orders covering certain information. In order to avoid referencing that proceeding in a way that may be deemed to violate the pseudonym and sealing orders in effect in that case, Nominal Defendants have redacted certain information from their publicly-filed Memorandum and Exhibit B and seek leave to file the unredacted version of the Memorandum under seal. No other information in the

Memorandum is redacted. In Exhibit B, the only other information that Nominal Defendants redacted consists of names of certain federal employees that, as explained in Nominal Defendants' prior Response regarding Plaintiffs' Motion for Protective Order, Nominal Defendants seek to protect from public disclosure due to individual privacy interests. The relief sought therefore is narrowly tailored to protect only the same information that has already been held to be properly under seal in another proceeding, and this Court has previously granted Nominal Defendants' prior Motion to Seal their unredacted Answer on the same grounds. The requirements of Local Civil Rule 9(b) are therefore satisfied here. Nominal Defendants request that the unredacted Memorandum and Exhibit B be kept under seal pending any modification to the Court's sealing order in the other case that would allow the unredacted Memorandum, and a less-redacted version of Exhibit B, to be filed publicly.

Nominal Defendants also seek leave to file Exhibit A under seal in its entirety pending review by other parties, and Nominal Defendants also request that certain names of federal employees be maintained under seal. Exhibit A references names and telephone numbers that, in Nominal Defendants' understanding, Plaintiffs may deem to be covered by other pseudonym and sealing orders previously issued in this case, as well as names of federal employees that, as explained in Nominal Defendants' prior Response regarding Plaintiffs' Motion for Protective Order, Nominal Defendants seek to protect from public disclosure due to individual privacy interests. It is also possible that Exhibit A contains other information other parties in the case deem sensitive. Placing Exhibit A entirely under seal temporarily will allow other parties to identify to

Nominal Defendants any information they believe should be kept under seal, and Nominal Defendants will then file a redacted public version of Exhibit A.

April 17, 2023

Respectfully submitted,

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